

B104 (FORM 104) (08/07)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)		
PLAINTIFFS	DEFENDANTS			
ATTORNEYS (Firm Name, Address, and Telephone No.)	ATTORNEYS (If Known)			
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee			
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)				
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div> </td> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case) </td> </tr> </table>			FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div>	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
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<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23			
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$			
Other Relief Sought				

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

MARK R SILBER
10 STATION PL STE 2
PO BOX 486
METUCHEN NJ 08840-0486

CASE #: 11-24495

MRSilber@Verizon.Net

TEL (732) 494-0400
ATT'Y FOR DEBTOR/PLAINTIFF

HON: RAYMOND T LYONS JR

IN RE:
MARILYN Y SLADOWSKY and ELLIOTT
L SLADOWSKY

CHAPTER 7

DEBTORS

MARILYN Y SLADOWSKY,

Plaintiff

ADVERSARY PROCEEDING

- vs -

AMERICAN EDUCATION SERVICES,
and FICTITIOUS ENTITIES 1 - 15

Defendants

COMPLAINT TO DISCHARGE STUDENT LOAN

Plaintiff, Marilyn Y. Sladowski, a co-debtor in the above Chapter 7 proceeding, by way
of Complaint against the Defendant(s), says:

Jurisdiction, Venue, Core Proceeding

1. This is an adversary proceeding commenced pursuant to 11 *USC* 523(a)(8) seeking discharge of a student loan.
2. Original and exclusive jurisdiction is with this Court, as provided by 28 *U.S.C.* 1334 conferring all Chapter 11 cases upon the U.S. District Courts; and 28 *U.S.C.* 157, providing for bankruptcy matters to be heard by the Bankruptcy Courts.

3. Venue of this proceeding is proper pursuant to 28 *U.S.C.* 1409(a).
4. This is a core proceeding as defined by 28 *U.S.C.* 157(b)(2)(I).

Parties

5. Plaintiff is the Debtor, Marilyn Y. Sladowsky.
6. Defendant American Education Services is the Administrator of a government guaranteed student loan, with a business address at P.O. Box 2461, Harrisburg Pennsylvania, 17105-2461.
7. Fictitious Entities 1 through 15 are unknown entities which may be proper parties holding one or more student loans.

Facts

8. On or about October 31st, 2001, Plaintiff undertook to borrow government backed student loans now totaling \$130,000 for the benefit of her son who was to attend college.
9. Plaintiff's son attained the higher education at the University of Hartford, where he received an associates degree, and the University of Maryland where he received a bachelor degree of arts or sciences.
10. Subsequently, Plaintiff's health and that of her husband, Elliott, failed.
11. Elliott's disability is long term; he has been adjudged by the Social Security Administration as totally disabled and unable to work.
12. Plaintiff's illness caused 3-month loss of income, but she has returned to work.
13. The failing health of Plaintiff and her husband caused a substantial change in Plaintiff's (and her husband, Elliott's) financial circumstances and ability to repay debt.
14. They incurred medical bills and borrowed money to stay afloat, which they ultimately were unable to repay.
15. Plaintiff and her husband, Elliott, filed a joint bankruptcy in the associated case.
16. Plaintiff listed the subject student loans as a Priority Obligation on Schedule "E."
17. Plaintiff's household income has fallen substantially since incurring the obligations.

18. It is now a hardship, as contemplated by 11 *USC* 523(a)(8) , to deny Plaintiff a discharge of the subject student loan(s).

WHEREFORE, Plaintiff prays for judgment discharging the aforesaid student loan(s), disclosed on Schedule "E," and/or for such additional or alternative relief as may be just and equitable under the facts and circumstances of this case.

August 15th, 2011

/s/ Mark R. Silber
MARK R SILBER, Attorney For Plaintiff

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